

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

SCOTT RICHARD PRICE,

Plaintiff,

v.

WARDEN,

Defendant.

No. 2:23-cv-00731-DAD-AC (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND DENYING
MOTION FOR A PROTECTIVE ORDER
AND MOTION FOR A TEMPORARY
RESTRAINING ORDER

(Doc. Nos. 3, 14, 18)

Plaintiff Scott Richard Price is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On November 7, 2023, the assigned magistrate judge issued findings and recommendations recommending that plaintiff's motion for a protective order (Doc. No. 3) and motion for a temporary restraining order (Doc. No. 14) be denied because plaintiff has failed to state a cognizable claim for relief and thus has failed to show that he is likely to succeed on the merits any of his claims. (Doc. No. 18.) Those pending findings and recommendations were served on plaintiff by mail at his address of record and contained notice that any objections thereto were to be filed within twenty-one (21) days after service. (*Id.* at 9.) To date, no objections to the pending findings and recommendations have been filed, and the time in which to

do so has now passed. The court notes, however, that on November 27, 2023, the service copy of the findings and recommendations was returned to the court marked as “Undeliverable, Not here; Return to Sender; Unclaimed.”¹ Nevertheless, because plaintiff’s pending motions are based on alleged threats to plaintiff’s safety “while being currently in custody at the Rio Consumnes Correctional Center” (Doc. No. 14 at 1), and plaintiff is apparently no longer in custody at that particular facility, this provides an additional basis to deny plaintiff’s motions.

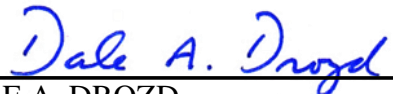
In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted a *de novo* review of the case. Having carefully reviewed the entire file, the court concludes that the findings and recommendations are supported by the record and by proper analysis.

Accordingly,

1. The findings and recommendations issued on November 7, 2023 (Doc. No. 18) are adopted in full;
2. Plaintiff’s motion for a protective order (Doc. No. 3) and motion for a temporary restraining order (Doc. No. 14) is denied; and
3. This matter is referred back to the assigned magistrate judge for further proceedings.

IT IS SO ORDERED.

Dated: January 6, 2024



DALE A. DROZD
UNITED STATES DISTRICT JUDGE

¹ Plaintiff is required to file a notice of his change of address with the court no later than February 5, 2024.